
LEGAL STATUS AND SWSS FAJ CODES

Dual wards include the following legal statuses with corresponding SWSS FAJ legal status codes:

- **52** - A youth **committed** to DHS following termination of parental rights by a Family Division of the Circuit Court with jurisdiction over the youth under Act 220 or Act 296 (44) and **committed** to DHS under the Youth Rehabilitation Services Act (1974 PA 150) (46).
- **90** - A temporary neglect court ward (42) and delinquent court ward (40). The delinquency case may be supervised by the court or **referred** to DHS for placement and care. For payments, this youth is treated as a delinquent court ward (40).
- **91** - A permanent neglect court ward **referred** to DHS for adoption planning and services under MCL 400.55h (41) and delinquent court ward (40). The delinquency case may be supervised by the court or **referred** to DHS for placement and care. For payments, this youth is treated as a delinquent court ward (40).
- **92** - A temporary neglect court ward (42) and **committed** to DHS under the Youth Rehabilitation Services Act (1974 PA 150) (46). For payments, this youth is treated as a state ward delinquent Act 150 (46).
- **93** - A permanent neglect court ward **referred** to DHS for adoption planning and services under MCL 400.55h (41) and **committed** to DHS under the Youth Rehabilitation Services Act (1974 PA 150) (46). For payments, this youth is treated as a state ward delinquent Act 150 (46).
- **94** - A youth **committed** to DHS following termination of parental rights by a Family Division of the Circuit Court with jurisdiction over the youth under Act 220 or Act 296 (44) and delinquent court ward 40. The delinquency case may be supervised by the court or **referred** to DHS for placement and care. For payments, this youth is treated as a delinquent court ward (40).

CASEWORKER RESPONSIBILITIES

When a youth has an open foster care case **and** the youth has been referred or committed to DHS for delinquency placement and supervision, **all reporting and case work policy requirements for the foster care program and juvenile justice program must be followed.** Regardless of whether the assigned worker is a foster care worker, juvenile justice specialist or is assigned to cover both programs, compliance with foster care policy is required when a youth has any form of abuse/neglect wardship. Compliance with juvenile justice policy is required when a youth is referred or committed to DHS for delinquency wardship.

Note: If a policy item exists for both programs, the more restrictive policy is the policy by which compliance will be measured.

Example: Juvenile justice policy (JJ2 230) requires the caseworker to “arrange for a medical examination within 30 calendar days of out-of-home placement if there has been no examination completed within the previous 12 months,” *but* foster care policy (FOM 801) requires the “every child entering foster care must receive a comprehensive medical examination including a behavioral/mental health screen within 30 calendar days from the child's entry into foster care, regardless of the date of the last physical examination.” Since the foster care policy is more restrictive than the juvenile justice policy, the foster care policy must be followed.

One Assigned Caseworker

If one caseworker is assigned to the case, the caseworker must complete all foster care worker responsibilities *and* juvenile justice specialist responsibilities outlined below.

Two Assigned Caseworkers

If both a foster care worker and juvenile justice specialist are assigned to the case, service provision and visitation must be coordinated regularly to ensure policy compliance. The assigned foster care worker is responsible for all foster care worker responsibilities outlined below and the assigned juvenile justice specialist is responsible for all juvenile justice specialist responsibilities outlined below.

Foster Care Worker Responsibilities

Once a youth is determined to be a dual ward, the assigned foster care caseworker must assume the following responsibilities:

- Ensure the foster care case record contains all documentation for the youth for both foster care and juvenile justice programs.

Note: CPS records should be retained separately, but must include all documentation necessary to ensure cross-program coordination and collaboration for service planning.

- Ensure court orders regarding all open programs, including the juvenile delinquency case, are obtained, recorded in SWSS FAJ, and filed in the youth's case record.
- Document juvenile delinquency case information in the foster care case service plan and all other appropriate reports.
- Attend all court hearings regarding the juvenile delinquency case, even when the delinquency case is supervised by the court or a care management organization (CMO) provider, and provide the court with the appropriate reports as requested.
- Coordinate services for the youth and his/her family with other professionals involved, which may include, but is not limited to:
 - Court probation officer or juvenile justice specialist.
 - Attorney/lawyer-guardian ad litem for the youth.
 - Prosecuting attorney.
 - Treatment facility staff.
 - Law enforcement.
 - Service providers.
 - Tribal professionals, as applicable.
 - CMO provider (Wayne County only).

Juvenile Justice Specialist Responsibilities

Once a youth is determined to be a dual ward, the assigned juvenile justice specialist must assume the following responsibilities:

- Ensure the delinquency case record contains all documentation for the youth for both foster care and juvenile justice programs.

Note: CPS records should be retained separately, but must include all documentation necessary to ensure cross-program coordination and collaboration for service planning.
- Ensure court orders regarding all open programs, including the foster care case, are obtained, recorded in SWSS FAJ, and filed in the youth's case record.
- Document foster care case information in the delinquency case service plan and all other appropriate reports.
- Attend all court hearings regarding the foster care case and provide the court with the appropriate reports as requested.
- Coordinate services for the youth and his/her family with other professionals involved, which may include, but is not limited to:
 - Foster care worker.
 - Attorney for the youth.
 - Lawyer-guardian ad litem.
 - Prosecuting attorney.
 - Treatment facility staff.
 - Law enforcement.
 - Service providers.
 - Tribal professionals, as applicable.
 - CMO provider (Wayne County only).

**Juvenile
Delinquency
Petition Filed on
Abuse/Neglect
Ward**

When a foster care worker receives notice that a delinquency petition has been filed regarding a youth on his/her case load, the foster care worker must complete the following activities within five business days:

- Notify his/her supervisor.
- Make contact with the court or petitioner to obtain further information on the youth's appointed attorney, delinquency

offense, and petitioner's recommendations to the court, including the date of the next delinquency hearing.

- Make contact with the youth in his/her current placement. If the youth has been detained in detention or jail, follow policies:
 - FOM 722-03, Placement Limitations for Jail, Correctional or Detention Facilities.
 - FOM 902-11, Determination of Medical Assistance Eligibility.
 - FOM 903-02, Payment for Detention Care.
 - FOM 903-07, AWOLP/Detention Bed Hold to ensure continuity of placement, if possible.
- Obtain a copy of the delinquency petition and file in the legal section of the youth's case record.
- Update SWSS FAJ legal module, funding determination module, and Medicaid as necessary.
- Meet with the juvenile justice specialist, if one is assigned, to coordinate case service plans, visitation requirements and responsibilities.

**Abuse/Neglect
Petition Filed on
Juvenile
Delinquent Ward**

When a juvenile justice specialist receives notice that a neglect petition has been filed regarding a youth on his/her case load, the juvenile justice specialist must complete the following activities within five business days:

- Notify his/her supervisor.
- Make contact with the court or petitioner (or CPS or foster care worker, if assigned) to obtain further information on the youth's lawyer-guardian ad litem, issues of neglect and/or abuse, and petitioner's recommendations to the court, including the date of the next neglect hearing.
- Make contact with the youth in his/her current placement.

- Obtain a copy of the neglect petition and file in the legal section of the youth's case record.
- Update SWSS FAJ legal module.
- Complete the steps outlined in FOM 722-01, Entry Into Foster Care.
- Meet with the CPS or foster care worker, if one is assigned, to coordinate case service plans, visitation requirements and responsibilities.

SUPERVISOR RESPONSIBILITIES

When a supervisor receives notice that a youth has become or may become a dual ward due to the filing/adjudication of a juvenile delinquency or abuse/neglect petition, the supervisor must ensure the following:

- Assigned caseworker has program-specific training and an appropriately sized case load to complete the duties required to service a dual ward case if both programs are assigned to the same caseworker. A second worker may be assigned to complete the other program responsibilities.

Note: In situations where the court retains jurisdiction of the delinquency case or the delinquency case is being serviced by a care maintenance organization (CMO) such as in Wayne County, there may be a foster care worker and a court probation officer and/or CMO caseworker assigned to the youth's case.

- Assigned caseworker has a security profile in SWSS FAJ for all necessary programs using the DHS-60, Staff Profile Security Profile.

Note: When a foster care worker and a juvenile justice specialist are assigned to the same case in SWSS FAJ, one must be identified as the primary worker and the other must be identified as the secondary worker. This is a technical requirement of SWSS FAJ and does not determine the assigned responsibilities of either caseworker. For SWSS FAJ technical guidance, refer to SWSS FAJ Tools and Help located at <http://inside.michi->

gan.gov/dhs/Tools/techstaff/was/swssfaj/Documents/Dual-Ward-Legal-Status.pdf.

- Juvenile delinquency court order(s) are reviewed for title IV-E eligibility requirements and any necessary actions to allow eligibility are completed.
- Assigned caseworker has met Indian Child Welfare Act (ICWA) requirements and any necessary actions to determine eligibility are completed.
- Coordination and collaboration between programs, even when the court maintains supervision of the delinquency case, must occur by reviewing case documentation regularly and during caseworker supervision. Any evidence of service duplication or need for additional services as a result of cross-program coordination must be addressed with the caseworker.

PAYMENTS

Payments for dual wards are determined by the delinquency case, not the abuse/neglect case. See FOM 901-9, Payment Source Guide to assist in determining the appropriate funding source and payment system for dual wards.

SSI BENEFITS DETERMINATION

Dual wards may be eligible for Supplemental Security Income (SSI). See FOM 902-10, PR - SSI Benefits Determination.

YOUTH IN TRANSITION (YIT) ELIGIBILITY

Dual wards may be eligible for Youth in Transition funds. See FOM 950, The Youth in Transition (YIT) Program.

EDUCATION AND TRAINING VOUCHER (ETV) ELIGIBILITY

Dual wards may be eligible for Education and Training Vouchers. See FOM 960, Education and Training Voucher (ETV) Program.

**YOUNG ADULT
VOLUNTARY
FOSTER CARE
(YAVFC) ELIGIBILITY**

Dual wards may be eligible for Young Adult Voluntary Foster Care. See FOM 722-16, Foster Care - Young Adult Voluntary Foster Care and FOM 902-21, Young Adult Voluntary Foster Care (YAVFC) Funding and Payments.

**HOMELESS
YOUTH/RUNAWAY
(HYR) PROGRAM**

Dual wards may be referred to the Homeless Youth/Runaway program up to two months prior to case closure and the youth's transition from foster care to the transitional living program. See FOM 722-15, Housing Resource Referral.